

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Roundstone at Evermoor
Condominium Association,

Plaintiff,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Civil File No. 22-02434 (MJD/DTS)

Farmington Casualty Company,

Defendant.

Adina R. Bergstrom, Brenda Sauro, Brock P. Alton, Sauro & Bergstrom, PLLC,
Counsel for Plaintiffs.

Laura E. Kuipers, Leatha G. Wolter, Meagher & Geer, PLLP, Counsel for
Defendant.

The above-entitled matter comes before the Court upon the Report and
Recommendation of United States Magistrate Judge David T. Schultz dated
September 14, 2023. No objections have been filed to the Report and
Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the
record. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). Based upon that review, the

Court adopts the Report and Recommendation of United States Magistrate Judge Schultz dated September 14, 2023.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge David T. Schultz dated September 14, 2023 [**Doc. 48**];
2. Plaintiff's Motion to Compel Appraisal [**Doc. 20**] is **GRANTED**;
3. Appraisal should commence **no later than November 3, 2023**;
4. The Appraisal Panel must only consider the factual evidence relating to the property damage and should not consider as proof of the date of loss the letter sent by Defendant's claims adjuster; and
5. Defendant has not waived its right to challenge the issue of the date of loss.

Dated: October 24, 2023

s/Michael J. Davis
Michael J. Davis
United States District Court